

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking to Consider the Adoption of
a General Order and Procedures to Implement the Digital
Infrastructure and Video Competition Act of 2006.

R.06-10-005
(Filed October 5, 2006)

**OPENING COMMENTS OF
AT&T CALIFORNIA**

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SUBJECT INDEX

I. INTRODUCTION.....	1
II. COMMENTS ON SCOPING MEMO ISSUES	1
A. SCOPE OF COMMISSION AUTHORITY PERTAINING TO VIDEO FRANCHISING	1
B. GENERAL ORDER ESTABLISHING STATE VIDEO FRANCHISE RULES AND PROCESSES	
2	
1. <i>Section II: Purpose of the General Order</i>	2
2. <i>Section III: When Applicants Can/Must Apply for a State Video Franchise....</i>	2
3. <i>Section IV: Application Process for a State Video Franchise.....</i>	3
4. <i>Section V: The State Video Franchise Holder.....</i>	5
5. <i>Section VII: Reporting Requirements</i>	8
a) Employment Report.....	8
b) Broadband Report	8
c) Service to Community Centers	9
d) Additional Information	9
C. PROCESS FOR ADDRESSING COMPLAINTS BY LOCAL ENTITIES AND/OR CONDUCTING	
INVESTIGATIONS BY THIS COMMISSION	9
D. CALCULATION AND SUBMISSION OF USER FEES	11
III. CONCLUSION	13

AT&T California, pursuant to the Order Instituting Rulemaking dated October 5, 2006 (hereinafter, “OIR”), provides the following opening comments.

I. INTRODUCTION

AT&T California supports the general principles reflected in the OIR, and appreciates the Commission’s outstanding effort to complete this proceeding by year end. We clearly understand the complexity of the task, as the Commission had to translate innovative legislation into new Commission procedures. We strongly agree with the OIR’s conclusion that AB 2987 provides the Commission with limited, enumerated authority over video services. Consistency with this principle is the key to compliance with AB 2987. For the most part, the OIR remains true to this guiding principle, and these comments focus primarily on those few areas where the OIR appears to depart from it.

II. COMMENTS ON SCOPING MEMO ISSUES

AT&T California’s comments on specific issues are presented below in the order set forth in the OIR.

A. Scope of Commission Authority Pertaining to Video Franchising

AT&T California agrees with the OIR’s general conclusion that “[t]he Commission will not require a state video franchise holder to obtain a separate franchise or otherwise impose any requirement on a state video franchise holder *except as expressly provided in AB 2987.*”¹ AB 2987 took pains to make clear that “video service providers *are not public utilities* or common carriers,”² and that “[t]he holder of a state [video] franchise *shall not be deemed a public utility*

¹ OIR, p. 6 (emphasis added).

² Pub. Util. Code § 5810(a)(3) (emphasis added).

as a result of providing video service....”³ AB 2987 also repeatedly emphasizes that it provides the Commission with very limited authority over video service providers⁴—no more authority than that expressly granted in its provisions.⁵

B. General Order Establishing State Video Franchise Rules and Processes

AT&T California supports the adoption of a General Order (“GO”) to implement the Commission’s responsibilities under AB 2987, and generally supports the GO proposed by the OIR. Below, AT&T California provides specific comments on some of the proposed GO provisions. For the Commission’s convenience, we also attach a redlined version of the GO reflecting our proposed changes.⁶

1. Section II: Purpose of the General Order

AT&T California agrees that the proposed purpose section accurately reflects the purpose of AB 2987 and the GO.

2. Section III: When Applicants Can/Must Apply for a State Video Franchise

AT&T California supports the OIR’s conclusions regarding when applicants can or must apply for a state video franchise. AT&T California must object, however, to the GO’s proposed procedures regarding changes in service areas, which perhaps inadvertently add a prior approval

³ Pub. Util. Code § 5820(c) (emphasis added).

⁴ *See, e.g., id.* (“This division shall not be construed as granting authority to the commission to regulate the rates, terms, and conditions of video services, except as explicitly set forth in this division.”)

⁵ *See, e.g., Pub. Util. Code § 5840(a)* (“Neither the commission nor any local franchising entity or other local entity of the state may require the holder of a state franchise to obtain a separate franchise *or otherwise impose any requirement* on any holder of a state franchise except as expressly provided in this division.” (emphasis added)); *Pub. Util. Code § 5840(b)* (“The application process described in this section and *the authority granted to the commission under this section shall not exceed the provisions set forth in this section.*” (emphasis added)).

⁶ *See* Attachment A hereto. Proposed changes to the resulting proposed application form are Attachment B hereto.

process for amendments beyond what is contemplated by the legislation. These proposed provisions are in section VI.C. of the proposed GO, requiring Supplemental Applications (VI.C.2.-3.). AB 2987 allows that the Commission “may” establish procedures for changes in service areas,⁷ but carefully circumscribes the permissible content of such procedures. Specifically, the legislation provides that “[a] change in one or more of the service areas of this division that would increase or decrease the territory within the service area” requires only notice to the Commission, and any applicable local entity, within 14 business days of the change.⁸ Further emphasizing that no prior approval is required, AB 2987 provides that, “[t]he holder shall describe the new boundaries of the affected service areas *after the proposed change is made.*”⁹ This operational flexibility is necessary to allow AT&T California and other providers to achieve AB 2987’s goal of increasing investment in broadband infrastructure in a cost-effective manner consistent with network build-out and service requirements rather than regulatory constraints.¹⁰

3. Section IV: Application Process for a State Video Franchise

AT&T California supports the OIR’s proposed application process, with one exception: the expanded reporting requirements. AB 2987 carefully outlines the application process and expressly provides that “[t]he application process described in this section and the authority granted to the commission under this section *shall not exceed the provisions set forth in this section.*”¹¹ The only permissible application reporting requirements are those imposed by

⁷ Pub. Util. Code § 5840(f).

⁸ Pub. Util. Code § 5840(m)(6).

⁹ *Id.* (emphasis added).

¹⁰ *See* Pub. Util. Code § 5810(a)(2)(E).

¹¹ Pub. Util. Code § 5840(b) (emphasis added).

subsections¹² 5840(e)(6), (7) and (8).¹³ However, the GO and proposed application form go well beyond these limited requirements by demanding the submission of extensive broadband, video and low-income household data. The additional data, beyond what the statute authorizes, are identified in the proposed deletions to the application form set forth in Attachment B, pages 6-8.

AB 2987 establishes an expeditious, streamlined, and cost-effective application process. The collection, preparation and submission of the additional data required by the GO and application form would be costly and time-consuming. Further, the additional data are not relevant to the processing of a franchise application. For these reasons, and because the additional requirements are contrary to AB 2987, AT&T California must object to the imposition of the proposed expansions to application reporting requirements.

Finally, AT&T California notes that information submitted with the application may include trade secrets. Applicants cannot submit trade secrets to the Commission without assurance that those secrets will be properly safeguarded. AT&T California will be a new entrant in many cable markets and advance knowledge of which markets it might enter, and when, is obviously competitively sensitive information. Accordingly, AT&T California requests

¹² Unless otherwise indicated, references to statutory sections and subsections are intended to refer to the Public Utilities Code.

¹³ Pub. Util. Code § 5840(e)(6), (7) and (8) require the submission of:

(6) A description of the video service area footprint that is proposed to be served, as identified by a collection of United States Census Bureau Block numbers (13 digit) or a geographic information system digital boundary meeting or exceeding national map accuracy standards. This description shall include the socioeconomic status information of all residents within the service area footprint.

(7) If the applicant is a telephone corporation or an affiliate of a telephone corporation, as defined in Section 234, a description of the territory in which the company provides telephone service. The description shall include socioeconomic status information of all residents within the telephone corporation's service territory.

(8) The expected date for the deployment of video service in each of the areas identified in paragraph (6).

that the Commission expressly acknowledge in the GO its obligation¹⁴ to protect trade secrets designated by the applicant, including, but not limited to, the applicant's proposed video service area footprint and expected deployment dates.

4. Section V: The State Video Franchise Holder

AT&T California supports the OIR's proposed limitation of one state video franchise per company, including affiliates and subsidiaries.¹⁵ This proposal is consistent with section 5840(f), which provides, in relevant part:

The commission may require that a corporation with wholly owned subsidiaries or affiliates is eligible only for a single state-issued franchise and prohibit the holding of multiple franchises through separate subsidiaries or affiliates.

AT&T California understands that this provision was intended to protect the Commission's workload by prohibiting multiple franchise applications from a single enterprise. The OIR's proposed limitation of one state video franchise per company, including affiliates and subsidiaries, would achieve this goal.

The problem is, however, that section 5840(f) does not authorize the Commission to require the franchise to be held by the applicant's parent corporation. The OIR's proposal to do so is unworkable and would lead to unintended consequences because it would be inconsistent with the intent and structure of AB 2987.¹⁶

By issuing the state video franchise to AT&T California's ultimate parent company, AT&T, Inc., the Commission would make AT&T, Inc. the video franchise "holder" for all

¹⁴ See, e.g., Gov. Code § 6254(k) (exempting from disclosure records protected by Evidence Code); *Cal. School Employees Ass'n v. Sunnyvale Elementary School Dist. f Santa Clara County* (1973), 36 Cal.App.3d 46; 111 Cal.Rptr. 433 (secrets exempted from disclosure under Public Records Act); Evidence Code § 1060 (owner of trade secret privileged to refuse to disclose and prevent disclosure of the secret); Civ. Code §§ 3426 *et seq.* (Uniform Trade Secrets Act).

¹⁵ OIR, p. 12.

¹⁶ *Id.*

purposes under AB 2987.¹⁷ But it is AT&T California, not AT&T, Inc., that will own and operate the network, and provide video services in California. Thus, AT&T California, and not AT&T, Inc., should bear the legal obligations, and enjoy the legal rights, of AB 2987.¹⁸ Simply put, the Commission's proposal to require the franchise go to the parent company would force it to be granted to the wrong legal entity.¹⁹

The provisions of AB 2987 are designed such that the state video franchise must be awarded to the entity that is actually providing video service and operating the network. Numerous provisions recognize that the franchise "holder" is to be the entity actually providing video service²⁰ and operating the network,²¹ and not the parent company.²² By forcing the

¹⁷ AB 2987 simply defines the "holder" as "a person or group of persons that has been issued a state [video] franchise from the commission...." Pub. Util. Code § 5830(i).

¹⁸ For example, the "holder" is the entity that is not required to obtain franchises from local governments. Pub. Util. Code § 5840(a).

¹⁹ Even though it is a parent corporation, AT&T, Inc. is a legal entity separate and distinct from its subsidiaries, such as AT&T California. *See, e.g., Sonora Diamond Corp. v. Superior Court* (2000), 83 Cal.App.4th 523, 99 Cal.Rptr.2d 824.

²⁰ *See, e.g.,* Pub. Util. Code § 5860(d): "For purposes of this section, the term 'gross revenues' means all revenue actually received by the holder of a state franchise, as determined in accordance with generally accepted accounting principles, *that is derived from the operation of the holder's network to provide cable or video service* within the jurisdiction of the local entity, including all of the following: [¶] (1) All charges billed to subscribers for any and all cable service or *video service provided by the holder* of a state franchise...." (emphasis added); Pub. Util. Code § 5840(n), which requires the franchise "holder" to notify a local entity "[p]rior to offering video service in a local entity's jurisdiction...."; Pub. Util. Code § 5860(c): "No local entity or any other political subdivision of this state may demand any additional fees or charges or other remuneration of any kind from *the holder of a state franchise based solely on its status as a provider of video or cable services* other than as set forth in this division and may not demand the use of any other calculation method or definition of gross revenues." (emphasis added).

²¹ *See, e.g.,* Pub. Util. Code § 5880: "Holders of state franchises shall comply with the Emergency Alert System requirements of the Federal Communications Commission in order that emergency messages may be *distributed over the holder's network*." (emphasis added); Pub. Util. Code § 5870(g)(1): "The local entity shall ensure that all transmissions, content, or programming to be transmitted by a holder of a state franchise are provided or submitted in a manner or form that is *compatible with the holder's network*, if the local entity produces or maintains the PEG programming in that manner or form." (emphasis added); Pub. Util. Code § 5870(a): "The *holder of a state franchise shall designate a sufficient amount of capacity on its network* to allow the provision of ... public, educational, and governmental access (PEG) channels...." (emphasis added); Pub. Util. Code § 5870(h): "Where technically feasible, the *holder of a state franchise and an incumbent cable operator shall negotiate in good faith to interconnect their networks* for the purpose of providing PEG programming." (emphasis added); Pub. Util. Code § 5910(e)(1): "Subdivision (a) only applies to applicants for employment for positions that would allow the applicant to have direct contact with or access to *the holder's network, central office, or customer premises, and perform activities that involve the installation, service, or repair of the holder's network or equipment*." (emphasis

“holder” to be some other entity, numerous provisions of AB 2987 would be rendered nonsensical or meaningless.²³

AT&T California believes the Commission’s concerns regarding affiliates and subsidiaries could be addressed without unnecessarily deviating from AB 2987 by requiring the franchise applicant to provide an appropriate assurance. The OIR indicates the proposed parent company requirement is intended to address concerns that a holder might attempt to use affiliates in order to evade the following provisions: (a) section 5890’s requirements applicable to affiliates with more than one million telephone customers; (b) section 5960’s broadband reporting requirements, if broadband service were provided by an affiliate; and (c) section 5940’s prohibition of cross-subsidization.²⁴ These concerns could be addressed by including in the application certification required by section 5840(e)(1)(B)²⁵ an assurance from any affiliates that provide telephone or broadband services that such affiliates’ operations will be included for purposes of sections 5890, 5960, and 5940.

added); Pub. Util. Code § 5885(a): “The local entity shall allow the holder of a state franchise under this division to install, construct, and maintain a network within public rights-of-way under the same time, place, and manner as the provisions governing telephone corporations under applicable state and federal law, including, but not limited to, the provisions of Section 7901.1.”

²² Pub. Util. Code § 5840(e)(5) requires submission of certain information about the “applicant’s parent company,” thus revealing AB 2987 did not intend to require that the applicant *be* the parent company.

²³ See, e.g., Pub. Util. Code § 5830(q): “‘Subscriber’ means a person who lawfully receives video service *from the holder of a state franchise* for a fee.” (emphasis added); and Pub. Util. Code § 5910, which would require the “holder” to require certain background checks for applicants for employment even though applicants to parent AT&T, Inc. would not be involved in the provision of video services. Moreover, reporting sections like 5920, which requires certain employment information of the “holder,” would be rendered meaningless because the employees of the “holder” would have nothing to do with the video services provided or the network. Also, the “holder” is required to provide notice of any change in ownership of the “holder” (Pub. Util. Code § 5840(m)(1)), but change of ownership of the subsidiary actually providing video service would not require notice.

²⁴ OIR, p. 13, fns. 27-29.

²⁵ Pub. Util. Code § 5840(e)(1)(B) requires that the applicant for a state franchise include a “sworn affidavit, signed under penalty of perjury by an officer or another person authorized to bind the applicant, that affirms...[t]hat the applicant or its affiliates agrees to comply with all federal and state statutes, rules, and regulations, including, but not limited to...” specified requirements.

5. Section VII: Reporting Requirements

Generally, AT&T California supports the reporting proposed in the OIR and GO, but has the following comments regarding specific issues.

a) Employment Report

As discussed above, requiring the parent company to hold the franchise would create numerous problems, including illogical employment reporting. AT&T California's ultimate parent company does not have any employees that would work directly on the provision of video services, in California or elsewhere. AT&T California's proposed solution regarding the "holder" of the franchise would resolve these concerns.

b) Broadband Report

The proposed GO would require reporting of "the extent to which" broadband is provided using various technologies.²⁶ However, AB 2987 only requires that we report "[w]hether the broadband provided by the holder utilizes wireline-based facilities or another technology."²⁷ AB 2987 thus requires only a statement without quantification of the amount of each of the various technologies provided, which would be much less burdensome, and would also avoid potential ambiguities regarding how to count and compare various technologies. Accordingly, the Commission can and should require no more information than that specified in AB 2987.

²⁶ OIR, Attach. B (Proposed GO), pp. 25-27.

²⁷ emphasis added).

c) Service to Community Centers

The OIR's proposal to require reporting of community center data is inconsistent with AB 2987. Section 5960 imposes reporting requirements for broadband, video, and low-income household information, but does not require community center reporting. Section 5890, which imposes the non-discrimination and community center (5890(b)(3)) requirements, does not include reporting requirements either. Thus, AB 2987 does not grant the Commission authority to require community center reporting, and AT&T California objects to such expanded reporting because provision of such data would reveal competitive data.

d) Additional Information

The proposed GO asserts that the Commission has "broad authority to require additional reports" and can request "additional data" if "a legitimate need arises."²⁸ To the contrary, AB 2987 consistently indicates that the Commission's authority over video service is limited to that expressly granted within AB 2987; and AB 2987 sets forth the specific reporting requirements the Commission can impose. Thus, the provision of the proposed GO regarding additional information is contrary to AB 2987, and AT&T California proposes that provision be omitted.

C. Process for Addressing Complaints by Local Entities and/or Conducting Investigations by this Commission

In Part III.C of its OIR, the Commission concludes that it has authority to open investigations, subject to the "constraints on [its] authority described in Part III.A of this OIR." In Part III.A, the Commission correctly concludes that its jurisdiction under AB 2987 is limited to five discrete matters: application processing (§ 5840), specified anti-discrimination

²⁸ OIR, Attach. B (Proposed GO), p. 29.

requirements (§ 5890), reporting of employment (§ 5920) and deployment (§ 5960), basic telephone price increases (§§ 5940 and 5950), and specified application (§ 5840(c)) and annual (§§ 401 and 440-444) fees. Read together, then, the Commission appears to conclude that its ability to open an investigation is limited to these five areas.

While it is certainly true that the Commission has authority to open an investigation under AB 2987, that authority is limited to fewer than these five areas. In fact, the Commission's authority to open an investigation is limited to claims of discrimination or denial of access, as specified in section 5890.²⁹

The pertinent provision is section 5890(g), which provides in part (emphasis added):

Local governments may bring complaints to the state franchising authority that the holder is not offering video service *as required by this section* or the state franchising authority may open an investigation on its own motion.

Unquestionably, the first clause of this sentence limits local government complaints to the anti-discrimination provisions in section 5890. The Commission, however, appears to read the second clause to stand alone, apart from the limitation in the first clause. That is not the correct reading.

Rather, the correct reading is that the limitation modifies both the ability of local governments to complain and the Commission's authority to investigate. In other words, the language must be read in context to mean that local governments may complain regarding matters "required by this section" or the Commission may investigate regarding matters "required by this section." To conclude otherwise implies language that is simply not there,

²⁹ This is not to suggest the Commission does not have independent authority to open investigations under other provisions of the Public Utilities Code regarding certain matters addressed by AB 2987, namely the provisions regarding increasing basic telephone rates. AT&T California is merely stating that AB 2987 itself does not provide authority to open an investigation beyond this one area.

namely that the Commission has authority to open an investigation on its own motion regarding “any matter addressed by the AB 2987.”

The conclusion that the Commission’s authority is limited to section 5890 is bolstered by where the authority to investigate is placed in the bill: in section 5890, which deals only with anti-discrimination and build requirements. This conclusion is further bolstered by where the grant of authority appears within section 5890 itself: in subsection (h) immediately after a grant of authority for cities to complain about “violations of this section” and immediately before two other subsections, (i) and (j), that provide penalties for a “violation of this section.” In this full context, it is evident that the Commission’s authority in this regard is limited. There is nothing in this or any other section of the bill that provides the Commission the authority to open investigations on issues outside section 5890.

D. Calculation and Submission of User Fees

The OIR estimates its video legislation implementation will require one million dollars of incremental budget in the first year of operations, subject to Department of Finance (“DoF”) approval. For the first fiscal year, it proposes to allocate the DoF-approved amount on the basis of the total number of state video franchise holders in that quarter.³⁰ For user fees beyond the 2007-2008 fiscal year, it is not clear whether the amount to be recovered will be any different, although the OIR proposes to apportion the “total amount of annual user fee” according to the ratio of the holder’s number of subscribers to the total number of subscribers for state video franchise holders. AT&T California supports the Commission’s payment proposals and appreciates the OIR’s efforts to allocate user fees equitably among video subscribers. The OIR should make clear in its final order that the Commission will ensure that the total annual user fee

for video franchise holders will reflect the limited duties delegated to Commission under AB 2987.

Given the Commission's prescribed role under AB 2987, which the OIR fully recognizes, the going-forward (post 2007-2008 fiscal year) incremental budgetary needs of the Commission should be commensurate with the incremental duties attributable to AB 2987. The OIR appears to recognize and correctly apply this principle in the manner it identifies the first year budget; but it is not clear that the same will hold for subsequent fiscal years.

Consistent with its intentions to adhere to the AB 2987's clear restrictions, the Commission will not regulate the rates of video franchise holders. It will not entertain consumer complaints or address environmental reviews regarding network construction, as those are duties delegated to local governments. These are typical duties the Commission carries out for other classes of utilities such as water, electric, gas, and telecommunications, but will not be done under AB 2987. To ensure that the user fee determination process and the annual user fees collected from video franchise holders reflect the Commission's actual duties in video service vis-à-vis other utilities, the Commission should establish explicit criteria it will apply in determining the annual user fee for video franchise holders. In this respect, it is important for the Commission explicitly to state that: (a) the total user fee to be collected from statewide video franchise holders will be commensurate with only the incremental budgetary needs of the Commission in administering AB 2987; and (b) such fees shall reflect the limited duties related to franchise application processing (§ 5840), specified anti-discrimination requirements (§ 5890), reporting of employment (§ 5920) and deployment (§ 5960), basic telephone price increases (§§ 5940 and 5950), and specified annual (§§ 401 and 440-444) fees.

³⁰ OIR, pp. 20-22.

III. CONCLUSION

For the reasons set forth above, AT&T California requests that the OIR and proposed GO be modified as follows:

- Revise the proposed GO and application form to reflect the comments provided above and as indicated in Attachments A and B, hereto.
- Acknowledge that the Commission's authority to open an investigation is limited to the anti-discrimination requirements of section 5890.
- Explicitly state that (a) the total user fee to be collected from statewide video franchise holders will be commensurate with only the incremental budgetary needs of the Commission in administering AB 2987, and (b) such fees shall reflect the Commission's limited duties under AB 2987.

Respectfully submitted,

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Attachment A – AT&T California’s Recommended Revisions to Proposed General Order

ATTACHMENT B

Page 1

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

I. Definitions

A. “AB 2987” means Assembly Bill 2987, the Digital Infrastructure and Video Competition Act of 2006 (Ch. 700, Stats. 2006).¹

B. “Applicant” means any person or entity that files an Application ~~that seeks~~ing to provide Video Service in the state pursuant to a State Video Franchise.

C. “Application” means the form prescribed by the Commission for seeking a grant, change, amendment, or renewal of a State Video Franchise.

D. “Application Fee” means any fee that the Commission imposes to recover its actual and reasonable costs of processing an Application.²

E. “Broadband” or “Broadband Service” means any service defined as broadband, ~~or having advanced telecommunications capability~~, in the most recent Federal Communications Commission inquiry pursuant to Section 706 of the Telecommunications Act of 1996 (P.L. 104-104).³

¹ In this General Order, all further references to Public Utilities Code sections adopted or amended in AB 2987 track the statutory language effected by AB 2987.

² CAL. PUB. UTIL. CODE § 5840(c). This fee is not levied for general revenue purposes, consistent with Public Utilities Code § 5840(c).

³ Id. at § 5830(a). The Federal Communications Commission currently uses the term “broadband” and “advanced telecommunications capability” to describe services and facilities with an upstream (customer-to-provider) and downstream (provider-to-customer) transmission speed of more than 200 kilobits per second. FEDERAL COMMUNICATIONS COMMISSION, AVAILABILITY OF ADVANCED TELECOMMUNICATIONS CAPABILITY IN THE UNITED STATES, FOURTH REPORT TO CONGRESS, FCC 04-208, 10 (Sept. 9, 2004). This definition, however, is under review by the Commission, and it may evolve in response to rapid technological changes in the marketplace. Id

ATTACHMENT B
Page 2

General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)

F. "Census Tract" has the same meaning as used by the U.S. Census Bureau.⁴

G. "Commission" means the Public Utilities Commission.

H. "Community Center" means any facility run by an organization that has qualified for the California Teleconnect Fund, as established in Public Utilities Code § 280, and that will make the State Video Franchise Holder's service available to the community.⁵

I. "Effective Date of this General Order" means January 2, 2007 or the date when this Order is adopted, whichever is later.

J. "Household" means, consistent with the U.S. Census Bureau, a house, apartment, a mobile home, a group of rooms, or a single room that is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.⁶

K. "Incumbent Cable Operator" means a cable operator or open-video system serving subscribers under a franchise in
2

⁴ CAL. PUB. UTIL. CODE at § 5960(a).

⁵ Id. at § 5890(b)(3).

⁶ Id. at § 5890(j)(1). ~~Separate living quarters are those in which the occupants live and eat separately from any other persons in building and which have direct access from the outside of the building or through a common hall.~~ Id

³ATTACHMENT B
Page 3

General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)

a particular city, county, or city and county franchise area
on January 1, 2007.⁷

L. “Local Entity” means any city, county, city and county, or
joint powers authority within the state within whose
jurisdiction a State Video Franchise Holder may provide cable service or
Video Service.⁸

M. “Low-Income Household” means a residential Household located within the
holder’s existing telephone service area
where the average estimated annual Household income is less than
\$35,000, as based on U.S. Census Bureau estimates adjusted
annually to reflect rates of change and distribution through
January 1, 2007.⁹

N. “State Video Franchise” means a franchise issued pursuant
to AB 2987.¹⁰

O. “State Video Franchise Holder” means a successful Applicant.
~~Applicant’s parent company, or if none, the successful~~
~~Applicant itself.~~¹¹ ~~Accordingly, for the purposes of~~
~~imposing statutory obligations, a “holder” is deemed to be~~
~~a successful Applicant, its parent company (if any), and~~
~~any and all subsidiaries or affiliates of the Applicant or its~~

⁷ Id. at § 5830(j).

⁸ Id. at § 5830(k).

⁹ Id. at § 5890(j)(2) (defining “low-income households” for the purposes of imposing
build-out requirements).

¹⁰ Id. at § 5830(p).

¹¹ Pursuant to Public Utilities Code § 5840(e)(D)(5), an Applicant must submit
information on the applicant’s parent company, if any exists.

ATTACHMENT B

Page 4

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

~~parent company that are offering services in California that
are implicated by AB 2987 requirements.~~¹²

P. “Telephone Service Area” means the area where the Commission has granted an entity a Certificate of Public Convenience and Necessity to provide telephone service.

Q. “Telephone Corporation” means a telephone corporation as defined in Public Utilities Code § 234.

R. “User Fee” means the fee paid to the Commission quarterly by each Holder pursuant to Public Utilities Code § 442(a).

S. “Video Service” means video programming services, cable service, or open-video system service provided through facilities located at least in part in public rights-of-way without regard to delivery technology, including Internet protocol or other technology. This definition does not include (1) any video programming provided by a commercial mobile service provider defined in Section 322(d) of Title 47 of the United States Code, or (2) video programming provided as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public Internet.¹³

¹² This tentative conclusion follows from how we propose to issue state video franchises. See CAL. PUB. UTIL. CODE § 5830(i) (“‘Holder’ means a person or group of persons that has been issued a state franchise from the commission pursuant to this division.”).

¹³ Id. at § 5830(s).

ATTACHMENT B

Page 5

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

T. “Video Service Area” means the area proposed to be served under a State Video Franchise.

U. “Video Service Provider” means any entity providing Video Service.¹⁴

II. Purpose of the General Order

The purpose of this General Order is to promulgate the rules necessary to implement Assembly Bill (AB) 2987, the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), which was signed into law by Governor Arnold Schwarzenegger on September 29, 2006. In enacting this Order, we remain mindful of the fact that the Legislature intends for the state video franchising process to achieve the following objectives:

A. Create a fair and level playing field for all market participants that does not disadvantage or advantage one service provider or technology over another;

B. Promote the widespread access to the most technologically advanced cable and video services to all California communities in a nondiscriminatory manner, regardless of their socioeconomic status;

C. Protect local government revenues and control of public rights-of-way;

D. Require video service providers to comply with all applicable consumer protection laws;

E. Complement efforts to increase investment in Broadband infrastructure investment and close the digital divide;

¹⁴ Id. at § 5830(t).

ATTACHMENT B

Page 6

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

F. Continue access to and maintenance of public, education, and government (PEG) channels; and

G. Maintain all existing authority of the California Public Utilities Commission as established by state and federal statutes.¹⁵

This Commission will act to bring these intended economic and social benefits of Video Service competition to California.

We also recognize that the Legislature found that the public interest is best served by a Commission that is appropriately funded and staffed, and therefore able to give timely and well-considered action on matters before it. ¹⁶ Accordingly, the General Order assesses fees that will ensure that our video franchising operations are adequately funded and staffed.

**III. When Various Applicants Can/Must Apply
for a State Video Franchise**

**A. The Commission's Role in
Processing Applications**

The Commission shall begin accepting Applications for State Video Franchises on the Effective Date of this General Order.¹⁷ Between the Effective Date of this General Order and January 1, 2008, persons wishing to offer Video Service in an area where a franchise has not already been granted may seek a franchise from the Commission or from the local franchising authority.

¹⁵ CAL. PUB. UTIL. CODE §§ 5810(2)(A)-(G).

¹⁶ Id. at § 401(a).

¹⁷ See id. at § 5840(g) (ordering the Commission to commence accepting Applications for a State Video Franchise no later than April 1, 2007).

ATTACHMENT B

Page 7

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

After January 1, 2008, the Commission shall be the sole franchising authority for new Video Service franchises in the state of California.¹⁸ After January 1, 2008 “[a]ny person or corporation who seeks to provide Video Service in the state” and does not already have a video franchise shall apply for a State Video Franchise with the Commission.¹⁹

B. Applications for New Franchises

Applications for State Video Franchise ~~in areas where a franchise has not already been granted~~ may be submitted on or after the Effective Date of this General Order.²⁰

C. Applicants with Existing Franchises

1. Eligibility Conditions

Applicants providing Video Service under an existing local franchise are not eligible to apply for a State Video Franchise for the same service area covered by the local franchise unless at least one of the following three conditions applies: (i) the local franchise expires prior to renewal or extension; (ii) the Applicant and the local franchising authority mutually agree to terminate the local franchise, and submit their agreement in writing to the Commission; or (iii) a Video Service or cable provider with a State Video Franchise notifies ~~at the~~ Local Entity of its intent ~~to begin offering Video Service in all or part of the service area included in an Incumbent Cable Operator’s local franchise~~ Local Entity’s jurisdiction.²¹

¹⁸ Id. at §§ 5840(c),(g).

¹⁹ Id. at § 5840(c).

²⁰ Id. at § 5840(g).

²¹ Id. at § 5840(o).

ATTACHMENT B

Page 8

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

2. Franchise Effectiveness Date

In no case shall a State Video Franchise issued to an Incumbent Cable Operator become effective prior to January 2, 2008.²² ~~Prior to January 2, 2008, an Incumbent Cable Operator with an expired or expiring franchise may choose to renew the local franchise or seek a State Video Franchise. If a State Video Franchise is sought, the local franchise shall be extended under its existing terms until the state franchise is effective. When an incumbent cable operator is providing service under an expired franchise or a franchise that expires before January 2, 2008, the local entity may extend that franchise on the same terms and conditions through January 2, 2008.~~ ²³

3. Terms of Service Offered

~~If one or more of the above conditions applies and an Incumbent Cable Operator chooses to replace its local franchise with a State Video Franchise, the Incumbent Cable Operator must continue providing Video Service to the entire service area covered by the local franchise being replaced as it existed on January 1, 2007 until the local franchise would, under its terms, have expired.~~²⁴ An Incumbent Cable Operator that is also a telephone service provider with fewer than 1,000,000 telephone customers in California and is providing video service in competition with another incumbent cable operator shall be required to continue providing Video Service only in the areas in which it provided Video Service as of January 1, 2007.²⁵

**4. Effect of a New Competitor's Entry
into a Video Market**

Local franchising entities have the authority to require Incumbent Cable Operators to seek State Video Franchises if and when a State Video Franchise

²² Id. at § 5930(b).

²³ Id. at § 5930(b).

²⁴ Id. at § 5840(p).

ATTACHMENT B

Page 9

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

Holder provides notice of its intent to offer service within the Local Entity's jurisdiction.²⁶ In that circumstance, once the Commission issues a State Video Franchise to the Video Service Provider that includes the entire service area served by the Video Service Provider and the Video Service Provider gives notice to the local franchise authority that it will begin providing service under that State Video Franchise, the local franchise authority shall terminate the franchise issued by the local franchise authority.

**5. Exception for a Party to a Stipulation and
Consent Judgment Approved by a
Federal District Court**

Any Video Service Provider that currently holds a franchise with a local franchising entity in a county that is a party, either alone or in conjunction with any other local franchising entity located in that county, to a stipulation and consent judgment executed by the parties thereto and approved by a federal district court shall neither be entitled to seek a state franchise in any area of that county, including any unincorporated area and any incorporated city of that county, nor abrogate any existing franchise before July 1, 2014. Prior to July 1, 2014, the Video Service Provider shall continue to be exclusively governed by any existing franchise with a local franchising entity for the term of that franchise and any and all issues relating to renewal, transfer, or otherwise in relation to that franchise shall be resolved pursuant to that existing franchise and otherwise applicable federal and local law. This subdivision shall not be deemed to extend any existing franchise beyond its term.²⁷

²⁵ Id. at § 5840(p).

²⁶ Id. at § 5930(c).

²⁷ Id. at § 5930(a).

ATTACHMENT B

Page 10

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

IV. Application Process for a State Video Franchise

A. Steps for Obtaining a State Video Franchise

1. Step 1: Complete the Application for a State Video Franchise²⁸ (Appendix A to the General Order)

The Application shall include all information required by Public Utilities Code § 5840(e), as well as information required to ascertain an Applicant's eligibility requirements, as described in Public Utilities Code §§ 5840(c), 5840(d), 5840(f), 5840(o), 5840(p), ~~5890(b), 5890(e), 5890(d)~~, 5930(a), 5930(b), and 5930(c).

a) Adequate Assurance of Financial, Legal, and Technical Qualifications

An Applicant is required to provide "adequate assurance" that it "possesses the financial, legal, and technical qualifications necessary to construct and operate the proposed system and promptly repair any damage to the public right-of-way caused by the Applicant."²⁹ To meet this requirement, the Applicant must submit a description of its qualifications pursuant to § 5840(e)(9) and a copy of Applicant's most current audited financial statement, with an unqualified opinion, for a twelve-month reporting period ending no earlier than the prior calendar year. The financial statement must demonstrate that Applicant possesses a minimum of \$100,000 of unencumbered cash that is reasonably liquid and readily available to meet expenses. Alternatively, the Commission will accept a bond in the amount of \$100,000.

²⁸ Id. at § 5840(e).

²⁹ Id. at § 5840(e)(9).

ATTACHMENT B
Page 11

General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)

b) Application Fee

Upon filing its initial Application, an Applicant is required to pay an Application Fee in the amount of \$2,000 to the Commission. This fee does not exceed the actual and reasonable costs of processing an Application.³⁰

11

³⁰ Id. at § 5840(c).

ATTACHMENT B
Page 12

General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)

2. Step 2: Application Submission Requirements

a) Submit Completed Application to the Commission³¹

The Commission requires all Applicants to submit Applications in the format – paper or electronic – that the Commission directs. In all cases, the Applicant must complete the attached affidavit, submitting one paper original and one paper copy to the Commission.

b) Concurrently Deliver a Copy of the Application to the Affected Local Entity

An Applicant also shall submit a copy of its Application to the appropriate contact person for each Local Entity where the Applicant will provide service.³²

3. Step 3: Commission Review of the Application for Completeness

The Commission shall review the Application and determine whether the Application is complete or incomplete before the thirtieth calendar day after the Commission receives the Application.³³

³¹ Id. at § 5840(a).

³² Id. at § 5840(e)(1)(D).

³³ Id. at § 5840(h)(1).

ATTACHMENT B

Page 13

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

**4. Step 4: Notification of Application
Completeness or Incompleteness**

The Commission, acting through the Executive Director, shall notify the Applicant and affected Local Entities³⁴ as to whether the Application is complete or incomplete before the thirtieth calendar day after the ~~Commission receives~~ Applicant submits the Application.³⁵

The Commission's notice of a complete Application will include notification that the Commission shall issue a State Video Franchise before the fourteenth calendar day after the determination of completeness was made.³⁶

The Commission's notice of an incomplete Application will include a statement specifying with particularity which items are incomplete and a statement permitting the Applicant to amend the Application.³⁷ There is no fee associated with such amendments.

The Commission shall have 30 calendar days from the date an incomplete Application is amended and ~~received by~~ submitted to the Commission to determine its completeness.³⁸

Notice of complete and incomplete amended Applications and review of subsequent incomplete amended Applications shall follow the procedures outlined in Steps 3 and 4 above.

³⁴ The Commission will use the local authority contact information provided by the Applicant in the Application.

³⁵ CAL. PUB. UTIL. CODE § 5840(h)(1).

³⁶ Id. at § 5840(h)(2) ("If the commission finds the Application is complete, it shall issue a state franchise before the 14th calendar day after that finding.").

³⁷ Id. at § 5840(h)(3).

³⁸ Id.

ATTACHMENT B

Page 14

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

**5. Step 5: State Video Franchise Issued
for Complete Applications**

The Commission, acting through the Executive Director, shall issue a State Video Franchise to the Applicant before the fourteenth calendar day after its determination of Application completeness.³⁹ The form used to issue a State Video Franchise is found in Appendix B of the General Order.

B. Failure of Commission to Act on Application

If the Commission fails to notify the Applicant of the completeness or incompleteness of the Applicant's Application before the forty-fourth calendar day after receipt of an Application, the Commission's inaction will be interpreted to constitute issuance of the State Video Franchise, with no further action required on behalf of the Applicant.⁴⁰

A California State Video Franchise, however, is not deemed granted due to Commission failure to act when Applicant is statutorily ineligible for the State Video Franchise, pursuant to the requirements of §§ ~~5840(d)~~, 5840(c), 5840(d), 5840(o), 5930(a), 5930(b), and 5930(c~~p~~).

**C. Protests to State Video Franchise
Applications Disallowed**

No person or entity may file a protest to an Application.

³⁹ Id. at § 5840(h)(2).

⁴⁰ Id. at § 5840(h)(4).

ATTACHMENT B

Page 15

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

V. The State Video Franchise Holder

**A. Prohibition on Awarding Multiple Franchises
to Subsidiaries or Affiliates of a Single
Enterprise**

The Commission prohibits the holding of multiple State Video Franchises through separate wholly-owned subsidiaries or affiliates of a single enterprise corporation.⁴¹ Any company with subsidiaries or affiliates may only receive a single State Video Franchise.⁴²

**B. Ineligibility of Entities in Violation of the Cable
Television and Video Providers Service and
Information Act or the Video Customer Service Act**

No person or corporation shall be eligible for a State Video Franchise if that person or corporation is in violation of any final nonappealable order relating to either the Cable Television and Video Providers Customer Service and Information Act⁴³ or the Video Customer Service Act^{44,45} This provision applies to State Video Franchises sought through renewal or transfer of an existing State Video Franchise.⁴⁶

⁴¹ See id. at § 5840(f) (explicitly granting the Commission the authority to effect this provision).

⁴² See id. at § 5840(f) (specifically providing that the Commission may adopt this provision).

⁴³ CAL. GOVT. CODE §§ 53054 et seq.

⁴⁴ CAL. GOVT. CODE §§ 53088 et seq.

⁴⁵ CAL. PUB. UTIL. CODE § 5840(d).

⁴⁶ Id.

ATTACHMENT B

Page 16

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

**VI. The State Video Franchise – Authorization to Offer Service,
Obligations, Amendment, Renewal, Transfer, Voluntary
Termination, and Miscellaneous Changes**

A. Authorization to Offer Service

1. Grants of Authority

It is unlawful to provide Video Service without a state or locally issued franchise.⁴⁷ The issuance of a State Video Franchise represents the Commission's determination that an Applicant has satisfied the statutory requirements pursuant to AB 2987 to offer Video Service. ~~The document in which the Commission memorializes the issuance of a State Video Franchise serves as proof of the Commission's grant of authority to provide Video Service, but does not itself constitute authority to offer Video Service.~~

Each State Video Franchise issued by the Commission includes (1) a grant of authority to provide Video Service in the Video Service Area as requested in the Application; (2) a grant of authority, in exchange for the franchise fee ~~set forth in adopted under~~ Public Utilities Code Section 5840(q), to use the public rights-of-way for the delivery of Video Service subject to the laws of California;~~in the Video Service Area specified in the Application and any subsequent amendments to such Video Service Area approved by the Commission;~~ and (3) a statement that the grant of the authority is subject to the lawful operation of the Video Service by the Applicant or its successor-in-interest.⁴⁸

2. Duration of a State Video Franchise

A State Video Franchise is effective for ten years after the date of its issuance.⁴⁹

⁴⁷ Id. at § 5840(k).

⁴⁸ Id. at § 5840(i).

⁴⁹ Id. at § 5850(a).

ATTACHMENT B

Page 17

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

B. State Video Franchise Obligations

1. Obligations Imposed by Statute

State Video Franchise Holders are required to comply with all applicable requirements of ~~the Public Utilities Code~~law.

2. Enforcement of Obligations

A State Video Franchise is subject to suspension or revocation if a Video Service Provider fails to comply with the applicable requirements of ~~Division 2.5~~section 5890 of
~~the Public Utilities Code.~~⁵⁰ In addition, the Commission shall not renew a State Video Franchise if the State Video Franchise Holder is in violation of any final nonappealable court order issued pursuant to Division 2.5 of the Public Utilities Code.⁵¹

~~C. Amending a State Video Franchise~~

~~A State Video Franchise Holder may amend a State Video Franchise in order to reflect changes to its service territory.~~⁵²

~~1. Fee for Amending a State Video Franchise~~

~~There is no fee associated with such amendments to reflect changes in service territory, but in general, the Commission's supplemental Application process tracks the State Video Franchise Application process as set forth below.~~⁵³

⁵⁰ Id. at § 5890(g).

⁵¹ Id. at § 5850 (d).

⁵² Id. at § 5840(f).

⁵³ See id. at § 5840.

ATTACHMENT B

Page 18

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

**2. Procedures for Filing a Supplemental
Application
Modifying Video Service Area**

A State Video Franchise Holder seeking to modify its a-Video Service Area amendment (whether an increase or decrease) shall notify the Commission and file a supplemental Application to its initial Application that clearly shows the new boundaries of the affected service areas, and describes any and all Local Entities impacted by the new service area within 14 business days of a change in one or more of the service areas. ; and further amends all sections of the prior Application affected by the change in service territory or other factors. This supplemental Application shall be numbered sequentially in the document title, starting with the first supplemental Application filed by a State Video Franchise Holder. The State Video Franchise Holder shall describe the new boundaries of the affected service areas after the proposed change is made.-

~~One original and one copy of the supplemental Application shall be filed with the Commission and concurrently served on any Local Entities affected by the change in Video Service Area.~~

3. ~~Commission Review and Issuance of a Supplemental Application~~

~~The Commission, acting through the Executive Director, will notify the State Video Franchise Holder and any affected Local Entities whether the supplemental Application is complete or incomplete on or before the thirtieth calendar day following the filing date of the supplemental Application. The State Video Franchise Holder will have the opportunity to remedy any incomplete supplemental Application. Once an incomplete Application is refiled with the missing information, the Commission will have 30 days to determine the completeness of a supplemented Application.~~

~~The Commission's failure to notify the State Video Franchise Holder of a supplemental Application's completeness or incompleteness before the fortyfourth calendar day after the receipt of a supplemental Application shall be deemed to constitute issuance of the amended franchise, so long as the State~~

⁵⁴ Id. at § 5840(m)(6).

ATTACHMENT B

Page 19

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

~~Video Franchise Holder is not statutorily ineligible for a new, renewed, or transferred State Video Franchise pursuant to AB 2987.~~

D. Renewal of a State Video Franchise

**1. Eligibility to Seek Renewal of a
State Video Franchise**

A State Video Franchise expires absent any renewal effort on the last day of its ten-year term. A State Video Franchise Holder in good standing may file a renewal Application with the Commission to renew its State Video Franchise for an additional ten-year term.⁵⁵ There are no limits on the number of times a State Video Franchise Holder may renew its State Video Franchise.

**2. Procedures for Filing a State Video
Franchise Renewal**

State Video Franchise renewals shall be submitted and evaluated by the Commission according to the same criteria, ~~and processes~~ and time frames applicable to initial

~~State Video Franchise Applications and pursuant to~~ as set forth this General Order.⁵⁶ The

Commission shall not impose any additional or different criteria.⁵⁷

**3. Commission Review and Issuance of a
State Video Franchise Renewal**

If a State Video Franchise Holder is statutorily ineligible for a new, renewed, or transferred State Video Franchise, the failure of the Commission to notify the State Video Franchise Holder of the renewal Application's completeness or incompleteness before the forty-fourth calendar day after receipt

⁵⁵ Id. at § 5850(a).

⁵⁶ Id. at § 5850(c).

⁵⁷ Id. at § 5850(b).

ATTACHMENT B
Page 20

General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)

shall not be deemed to constitute issuance of the renewed State Video Franchise.⁵⁸

The Commission shall not renew a State Video Franchise if the State Video Franchise Holder is in violation of any final nonappealable court order issued pursuant to AB 2987.⁵⁹ The Commission ~~shall not~~ shall not ~~renewal of~~ any State Video Franchise shall be ~~that is inconsistent~~ with federal law and regulations.⁶⁰

E. Transfer of a State Video Franchise

~~1. Necessary Conditions for the Transfer~~
~~of a State Video Franchise~~

A State Video Franchise may be transferred to a successor-in-interest of the State Video Franchise Holder to which the State Video Franchise was originally granted. This transfer may be as a result of merger, sale, assignment, bankruptcy, restructuring, or any other type of transaction, so long as two conditions are met:

(1) Prior to the transfer, the transferee (successor-in-interest) submits to the Commission ~~and all affected~~
~~Local Entities~~ all of the information required by this General Order of an initial Applicant for a State Video Franchise; ~~and the Application for transfer is granted;~~
~~and~~

⁵⁸ Id. at §§ 5840(d), 5850(d).

⁵⁹ Id. at § 5850(d).

⁶⁰ Id. at § 5850(c).

ATTACHMENT B

Page 21

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

~~(2) As a condition of approval of the transfer~~ The transferee agrees that, any collective bargaining agreement entered into by the predecessor_in-interest State Video Franchise Holder shall continue to be honored, paid, or performed as if the predecessor_in-interest State Video Franchise Holder continued to operate for the duration of the State Video Franchise, unless the duration of the collective bargaining agreement is limited by its own terms or by state or federal law.⁶¹

**~~2. Commission Review of the Transfer of a
State Video Franchise~~**

~~The Commission will process the Application for transfer of the State Video Franchise pursuant to the same time frame as if such Application was a new State Video Franchise Application~~ Holder will notify the Commission and any applicable local entity within 14 business days of the transfer. The State Video Franchise Holder shall identify the successor in interest to which the transfer is made.

**F. Voluntary Termination of a
State Video Franchise**

A State Video Franchise Holder may terminate its State Video Franchise by submitting at least 90 days' prior written notice to the Commission, affected Local Entities, and all of its customers.⁶²

Within 14 business days of a decision to terminate a State Video Franchise, the State Video Franchise Holder shall inform the Commission and the affected Local Entities of the number of customers in the service area of the State Video

⁶¹ Id. at §§ 5840(l), 5970.

⁶² Id. at § 5840(j).

ATTACHMENT B

Page 22

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

Franchise being terminated; and the method by which customers were notified of the termination, ~~including a copy of such customer notice.~~⁶³

G. Miscellaneous Changes

As a condition of being issued a State Video Franchise, a State Video Franchise Holder must notify the Commission and affected Local Entities within 14 business days of the following:

(1) Any transaction involving a change in the ownership, operation, control, or corporate organization of the State Video Franchise Holder, including but not limited to a merger, acquisition, or reorganization;

(2) A change in the State Video Franchise Holder's legal name or the adoption of, or change to, an assumed business name. Notification to the Commission shall consist of a certified copy of either of the following:

(a) ~~an Application to amend the proposed amendment to the State Video Franchise, or~~

(b) the certificate of assumed business name; ~~or~~

(3) A change in the State Video Franchise Holder's principal business address or a change in the name or business address of the person authorized to receive written on behalf of the State Video Franchise Holder's registered service agent.⁶⁴

(4) Any transfer of the State Video Franchise to a successor in interest of the state Video Franchise Holder. The State Video Franchise Holder shall identify the successor in interest to which the transfer is made.

(5) The termination of any State Video Franchise issued under their General Order. The State Video Franchise Holder shall identify both of the following:

(A) The number of customers in the service area covered by the State Video Franchise being terminated.

(B) The method by which the State Video Franchise Holder's customers were notified of the termination.
(6) A change in one or more of the service areas of AB2987 that would increase or decrease the territory within the service area. The State Video Franchise Holder shall describe the new boundaries of the affected service areas after the proposed change is made.

VII. Reporting Requirements

A. Reports for Collection of the User Fee

The Commission may require a State Video Franchise Holder to furnish information and reports to the Commission, at the time or times the Commission

⁶³ Id. at § 5840(m)(5).

⁶⁴ Id. at § 5840(m).

ATTACHMENT B

Page 23

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

specifies, to enable the Commission to determine the User Fee pursuant to Public Utilities Code § 441.⁶⁵

Any Video Service Provider required to submit information and reports for determination of the User Fee may, in lieu thereof, submit information or reports made to any other governmental agency if all of the following conditions are met: (i) the alternate information or reports contain all of the information required by the Commission; (ii) the requirements to which the alternate reports or information are responsive are clearly identified; and (iii) the information or reports are certified by the Video Service Provider to be true and correct.⁶⁶

B. Annual Employment Reports

**1. Reporting Obligations Imposed on
State Video Franchise Holders with
More than 750 California Employees**

A State Video Franchise Holder employing more than 750 total employees in California shall report to the Commission annual employment information, as of January 1 ~~of the year in which~~ after it first was issued a State Video Franchise and each year thereafter, ~~on the extent to which it provides Video and Broadband Service in California.~~ These reports shall include the following information:

(1) The number of California residents employed by the State Video Franchise Holder, calculated on a full-time or full-time equivalent basis.

(2) The percentage of the State Video Franchise Holder's total domestic workforce that resides in California, calculated on a full-time or full-time equivalent basis.

⁶⁵ Id. at § 443(a).

⁶⁶ Id. at § 443(b).

ATTACHMENT B

Page 24

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

(3) The types and numbers of jobs by occupational classification held by residents of California employed by State Video Franchise Holders and the average pay and benefits of those jobs and, separately, the number of out-of-state residents employed by independent contractors, companies, and consultants hired by the State Video Franchise Holder, calculated on a full-time or full-time equivalent basis, when the State Video Franchise Holder is not contractually prohibited from disclosing the information to the public.⁶⁷ This paragraph applies only to those employees of an independent contractor, company, or consultant that are personally providing services to the State Video Franchise Holder, and does not apply to employees of an independent contractor, company or consultant not personally performing services for the State Video Franchise Holder.

(4) The number of net new positions proposed to be created directly by the State Video Franchise Holder during the upcoming year by occupational classifications and by category of full-time, part-time, temporary, and contract employees.⁶⁸

These reports shall be filed with the Commission no later than April 1, for~~three months after~~
~~the conclusion of~~ each annual reporting period.

**2. Commission Reports to
Legislative Committees**

The Commission will annually report the employment information required to be reported by State Video Franchise Holders to the Assembly
⁶⁷ This paragraph applies only to those employees of an independent contractor, company, or consultant that are personally providing services to the State Video Franchise Holder, and does not apply to employees of an independent contractor, company, or consultant not personally performing services for the State Video Franchise Holder.

⁶⁸ Id. at § 5920(a).

ATTACHMENT B

Page 25

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

Committee on Utilities and Commerce and the Senate Committee on Energy, Utilities and Communications, or their successor committees, and within a reasonable time thereafter, shall make the information available to the public on its Internet website.⁶⁹

**C. Annual Reports on Broadband and
Video Services**

**1. Reporting Obligations Imposed on
State Video Franchise Holders**

Commencing on April 1, 2008 and annually no later than April 1 each year thereafter, a State Video Franchise Holder shall report to the Commission ~~annual information as of January 1, 2008 and each year thereafter on the extent to which it provides Video and Broadband Service in the state.~~ These reports shall include the following information, as designated by individual Census Tracts:⁷⁰ If the State Video Franchise Holder does not maintain this information on a census tract basis in its normal course of business, the holder may reasonably approximate it based on the information it keeps in the normal course of business.

(1) Broadband Information:⁷¹

~~(a) The number of Households in each Census Tract to which the State Video Franchise Holder makes Broadband available in this state. Alternatively, the State Video Franchise Holder may submit a reasonable approximation of the number of Households in each Census Tract if the State Video Franchise Holder is able to produce information that successfully demonstrates to the Commission (i) that the State Video Franchise Holder does not maintain this information on a~~ If the State Video Franchise Holder does not maintain this information it may reasonably approximate the number of households based on the information it keeps in the normal course of business.

⁶⁹ Id. at § 5920(b).

⁷⁰ For example, the first report filed April 1, 2008 would be for calendar year 2007

ATTACHMENT B

Page 26

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

~~Census Tract basis in the normal course of business and (ii) the State Video Franchise Holder's alternate reporting methodology produces a reasonable approximation of data reported by Census Tract.~~⁷²

(b) The number of Households in each Census Tract that subscribe to Broadband that the State Video Franchise Holder makes available in this state.

~~(c) The extent to which the Broadband provided by the State Video Franchise Holder to individual Households in each Census Tract utilizes wireline-based facilities or another technology.~~ Whether the broadband provided by State Video Franchise Holder utilizes wire-line based or another technology. - If another technology is used by the State Franchise Holder, it shall specify the technology.

(2) Video Information⁷³

(a) If the State Video Franchise Holder is a Telephone Corporation:

(i) the number of Households in ~~each Census Tract of~~ the State Video Franchise Holder's Telephone Service Area; and

(ii) the number of Households in ~~in each Census Tract of~~ the State Video Franchise Holder's Telephone

~~⁷² We note that Public Utilities Code § 5960(b)(1)(B) requires State Video Franchise Holders to report Broadband customer subscribership on a Census Tract basis (without any approximation), and since State Video Franchise Holders will have to record this Broadband information by Census Tract, we expect that it will be difficult for a State Video Franchise Holder to successfully demonstrate that it does not maintain other forms of Broadband information on a Census Tract basis.~~

(January to December 2007).

⁷¹ CAL. PUB. UTIL. CODE § 5960(b)(1).

⁷³ Id. at § 5960(b)(2).

ATTACHMENT B

Page 27

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

Service Area that are offered Video Service by the
State Video Franchise Holder.

(b) If the State Video Franchise Holder is not a Telephone
Corporation:

(i) the number of Households in each Census Tract of
the State Video Franchise Holder's Video Service
Area; and

(ii) the number of Households in each Census Tract of
the State Video Franchise Holder's Video Service
Area that are offered Video Service by the State
Video Franchise Holder.

(3) Low-Income Household Information⁷⁴

(a) The number of Low-Income Households in ~~in each Census~~
~~Tract of the State Video Franchise Holder's~~
Video Service
Area.

(b) The number of Low-Income Households in the State
Video Franchise Holder's Video Service Area that are
offered Video Service by the State Video Franchise
Holder.

State Video Franchise Holders shall utilize data from U.S. Census Bureau estimates
adjusted annually to reflect rates of change and distribution through January 1,
2007 ~~the most recent publicly available U.S.~~

~~Census information to determine the number of~~ Households and ~~Households and~~
Low-Income
Households.

~~If a State Video Franchise is transferred to a successor in interest of the~~
~~State Video Franchise Holder to which the certificate originally is granted, the~~

⁷⁴ Id. at § 5960(b)(3).

ATTACHMENT B

Page 28

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

~~transferee shall submit to the Commission of the information required by Public Utilities Code Section 5960.~~⁷⁵

2. Commission Reports to the Legislature and Governor

The Commission, no later than July 1, 2008 and annually no later than July 1 thereafter, shall submit to the Legislature and Governor a report that includes on an aggregated basis information submitted by State Video Franchise Holders as to

~~Broadband, Video Service, and Low-Income data, aggregated according to technology used in service provision.~~⁷⁶

All information submitted to the commission and reported by the commission pursuant to this section shall be disclosed to the public only as provided for pursuant to Section 583. No individually identifiable customer information shall be subject to public disclosure. ~~With transmittal of a report, the Commission will reach the finding that, pursuant to Public Utilities Code § 583, the report shall be made publicly available.~~⁷⁷ ~~No individually identifiable customer information shall be made available in these reports.~~⁷⁸

~~D. Information on Service to Community Centers~~

~~A State Video Franchise Holder shall report annual information, as of January 1 of the year in which its State Video Franchise is granted and each year thereafter, on the extent to which the State Video Franchise Holder makes Video and Broadband Service available at no cost to Community Centers in~~

⁷⁵ Id. at § 5970(a).

⁷⁶ Id. at § 5960(c).

⁷⁷ ~~Id. at § 5960(d) (requiring that all information submitted to and reported by the Commission be disclosed to the public as provide pursuant to Public Utilities Code § 583).~~

⁷⁸ ~~Id.~~

ATTACHMENT B

Page 29

**General Order XXX
Implementing The Digital Infrastructure and
Video Competition Act of 2006 (AB 2987)**

~~underserved areas, as determined by the State Video Franchise Holder. The reports shall include the following information:~~

~~(1) The number of Community Centers in underserved areas where the State Video Franchise Holder provides Video and Broadband Service without charge.~~

~~(2) The number of video customers subscribing to the State Video Franchise Holder's Video Service.⁷⁹~~

~~The Community Center reports shall be filed with the Commission on a date no later than April 1 after the conclusion of each annual reporting period.~~

E. Additional Information

~~The Commission has broad authority to require additional reports consistent with AB 2987. If a legitimate need arises, the Commission will request additional data from State Video Franchise Holders.~~

FD. Enforcement of Reporting Requirements

~~The State Video Franchise Holder has the obligation to comply with all regulations adopted in this General Order. Failure to comply with a reporting requirement may trigger an investigation by the Commission and could subject the State Video Franchise Holder to either a suspension or revocation of the State Video Franchise.⁸⁰²⁹~~

E. Trade Secrets

The Commission shall maintain strict confidentiality of trade secrets filed with the Commission. Trade secrets include, but are not limited to, the Applicant's proposed video service area footprint and expected deployment dates.

⁷⁹ Id. at § 5890(b)(3). A State Video Franchise Holder determines whether a specific area qualifies as an underserved area for the purposes of this reporting requirement. Id.

⁸⁰ Id. at § 5890(g).

Attachment B – AT&T California’s Recommended Revisions to Proposed Application

APPENDIX A
APPLICATION FOR A NEW OR AMENDED
CALIFORNIA STATE VIDEO FRANCHISE
CALIFORNIA PUBLIC UTILITIES COMMISSION

Definitions for the purposes of this Application:

A. “AB 2987” means Assembly Bill 2987, the Digital Infrastructure and Video Competition Act of 2006 (Ch. 700, Stats. 2006).¹

B. “Applicant” means any person or entity that files an Application seeking to provide Video Service in the state pursuant to a State Video Franchise.

C. “Application” means the form prescribed by the Commission for seeking a grant, change, amendment, or renewal of ~~through which an Applicant may apply for a State Video Franchise, or change its Video Service Area.~~

D. “Application Fee” means any fee that the Commission imposes to recover its actual and reasonable costs of processing an Application.²

E. “Broadband” or “Broadband Service” means any service defined as Broadband, ~~or having advanced telecommunications capability,~~ in the most recent Federal Communications Commission inquiry pursuant to Section 706 of the Telecommunications Act of 1996 (P.L. 104-104).³

F. “Census Block” has the same meaning as used by the U.S. Census Bureau.

G. “Census Tract” has the same meaning as used by the U.S. Census Bureau.⁴
~~¹In this Application, all further references to Public Utilities Code sections adopted or amended in AB 2987 track the statutory language effected by AB 2987.~~
~~²CAL. PUB. UTIL. CODE § 5840(c). This fee is not levied for general revenue purposes, consistent with Public Utilities Code § 5840(c).~~
~~³Id. at § 5830(a). The Federal Communications Commission currently uses the term “broadband” and “advanced telecommunications capability” to describe services and facilities with an upstream (customer to provider) and downstream (provider to customer) transmission speed of more than 200 kilobits per second. FEDERAL COMMUNICATIONS COMMISSION, AVAILABILITY OF ADVANCED TELECOMMUNICATIONS CAPABILITY IN THE UNITED STATES, FOURTH REPORT TO CONGRESS, FCC 04-208, 10 (Sept. 9, 2004). This definition, however, is under review by the Commission, and it may evolve in response to rapid technological changes in the marketplace. Id.~~

APPENDIX A

APPLICANT NAME:

CERTIFICATE #:

~~4 CAL. PUB. UTIL. CODE at § 5960(a).~~

~~†~~

~~R.06-10-005 COM/CRC/jva~~

APPENDIX A

H. "Commission" means the Public Utilities Commission.

~~I. "Company" means the Applicant, its parent company (if any), and any and all subsidiaries or affiliates of the Applicant or its parent company.~~

J. "Household" means, consistent with the U.S. Census Bureau, a house, apartment, a mobile home, a group of rooms, or a single room that is intended for occupancy as separate living quarters.⁵ Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

~~K.~~ J. "Local Entity" means any city, county, city and county, or joint powers authority within the state within whose jurisdiction a State Video Franchise Holder may provide Video Service.⁶

~~L.~~ K. "Low-Income Household" means a residential Household located within the Applicant's existing service area where the average estimated ~~where the average~~ annual Household income is less than \$35,000, as based on U.S. Census Bureau estimates adjusted annually to reflect rates of change and distribution through January 1, 2007.⁷

~~M.~~ L. "State Video Franchise" means a franchise issued pursuant to AB 2987.⁸

~~M.~~ N. "State Video Franchise Holder" means a successful Applicant's parent company, or if none, the successful Applicant itself.⁹ Accordingly, for the purposes of imposing offering services in California that are implicated by AB2987 requirements. ~~statutory obligations, a "holder" is deemed to be a successful Applicant, its parent company (if any), and any and all subsidiaries or affiliates of the Applicant or its parent company that are offering services in California that are implicated by AB 2987 requirements.~~¹⁰

~~N.~~ O. "Telephone Service Area" means the area where the Commission has granted an entity a

~~Certificate of Public Convenience and Necessity to provide telephone service.~~

~~5 Id. at § 5890(j)(1). Separate living quarters are those in which the occupants live and eat separately from any other persons in building and which have direct access from the outside of the building or through a common hall. Id.~~

~~6 Id. at § 5830(k).~~

~~7 Id. at § 5890(j)(2) (defining "low income households" for the purposes of imposing build-out requirements).~~

~~8 Id. at § 5830(p).~~

APPENDIX A

APPLICANT NAME:

CERTIFICATE #:

~~9. Pursuant to Public Utilities Code § 5840(e)(D)(5), an Applicant must submit information on the applicant's parent company, if any exists.~~

~~10. This tentative conclusion follows from how we propose to issue state video franchises. See CAL. PUB. UTIL. CODE § 5830(i) ("Holder' means a person or group of persons that has been issued a state franchise from the commission pursuant to this division.").~~

~~2~~

~~R.06-10-005-COM/CRC/jva~~

APPENDIX A

PQ. "Telephone Corporation" means a telephone corporation as defined in Public Utilities Code § Section 234.

PQ. "Video Service" means video programming services, cable service, or open-video system
_service provided through facilities located at least in part in public rights-of-way without
_regard to delivery technology, including Internet protocol or other technology. This
_definition does not include (1) any video programming provided by a commercial mobile
_service provider defined in Section 322(d) of Title 47 of the United States Code, or
_(2) video programming provided as part of, and via, a service that enables users to access
_content, information, electronic mail, or other services offered over the public Internet.++

QR. "Video Service Area" means the area proposed to be served under a State Video Franchise.

RS. "Video Service Provider" means any entity providing Video Service.++

APPENDIX A

APPLICANT NAME: _____ **CERTIFICATE #:** _____

PLEASE TYPE ALL INFORMATION UNLESS INSTRUCTED OTHERWISE.

Type of Application

1. Check as appropriate:

New Franchise _____ Amended Franchise _____

Applicant Information

2. Applicant's State Video Franchise number (if seeking an amended Franchise):

3. Applicant's full legal name:

4

. Name under which the Applicant does or will do business in California:

~~11 Id. at § 5830(s).~~

~~12 Id. at § 5830(t).~~

~~3~~

~~R.06-10-005-COM/CRC/jva~~

APPENDIX A

5. Parent company's legal name and contact information:

Parent's Full Legal Name: _____

Address: _____

Phone: _____

6. Applicant's principal place of business:

Address: _____

Phone: _____

7. Contact information for the person responsible for ongoing communication with the Commission about Video Service business:

Name: _____

Title: _____

Address: _____

Phone (Business and mobile if any): _____

Fax: _____

Email: _____

8. Attach as Appendix A the names and titles of the Applicant's principal officers.

APPENDIX A

APPLICANT NAME:

CERTIFICATE #:

4

~~R.06-10-005-COM/CRC/jva~~

APPENDIX A

Build-Out Information

~~9. Is the Applicant or is an affiliate of the Applicant a Telephone Corporation?~~

~~Yes No~~

~~Answer questions 910 through 121 only if the answer to question 9 is yes, otherwise skip to~~

~~Question 13. its Applicant or its -affiliates or wholly-owned subsidiaryies is a Telephone Corporation.~~

910. Does the Applicant alone or together with its affiliates have more than 1,000,000 telephone customers in California?

Yes ___ No

140. Is the proposed Video Service Area outside of the ~~Company~~ Applicant's Telephone Service Area?

Yes ___ No ___ Video Service Area both inside and outside Telephone Service Area

112. Excluding direct-to-home satellite, is Video Service currently offered in the ~~Company~~ Applicant's proposed Video Service Area?

Yes ___ No

Existing Local Cable or Video Franchise Holder Information

~~Answer question 12 only if Applicant, its affiliates or wholly-owned subsidiaryies is not an existing local cable or video franchise holder, skip to Question 14:~~

132. Does the ~~Company~~ Applicant alone or together with its affiliates currently hold a local franchise, ~~or has the Company held a local franchise in the last six months,~~ in the Video Service Area?

Yes ___ No

If "Yes," then download and complete the electronic template available at <http://www.cpuc.ca.gov/video/application>.

APPENDIX A

APPLICANT NAME:

CERTIFICATE #:

Video Service Area Information

143. Provide a geographic description of the Video Service Area that is to be served pursuant to this Application under the State Video Franchise.

The description shall be as detailed below:

- a. A collection of U.S. Census Bureau Block numbers (13 digits), or
 - b. A geographic information system digital boundary meeting or exceeding national map accuracy standards.
- o *If Applicant chooses "a," then download and complete the electronic template available at <http://www.cpuc.ca.gov/video/application> .*

5

~~R-06-10-005-COM/CRC/jva~~

APPENDIX A

- o *If Applicant chooses "b," then submit the geographic information system digital boundary in digital format and on a CD to the Commission.*

154. Provide, as detailed below, a description of the socioeconomic status information of residents within the Video Service Area to be served pursuant to this Application Franchise.

- o *The Applicant shall provide this description utilizing the template available at <http://www.cpuc.ca.gov/video/application>.*

Information requirements:

a. Unless directed otherwise below, Applicant shall submit socioeconomic status information as of January 1 of the year in which the Applicant ~~or State Video Franchise Holder~~ applies for a State Video Franchise ~~or an amendment to a State Video Franchise~~.

b. This socioeconomic status information shall include at a minimum the following information, as designated by individual Census Tract included in the Video Service Area

~~i. Broadband (Utilize the most recent publicly available U.S. Census information to determine the number of Households):~~

~~1. The number of Households in each Census Tract to which the Company makes Broadband available.~~

~~2. The number of Households in each Census Tract that subscribe to Broadband that the Company makes available.~~

~~3. Whether the Broadband Services provided by the Company to~~

APPENDIX A

APPLICANT NAME:

CERTIFICATE #:

~~individual Households in each Census Tract utilize wirelinebased facilities or another technology. If another technology is used, Applicant shall specify the technology.~~

~~ii. Video service: The socioeconomic status information of all residents within the video service area footprint. (Utilize the most recent publicly available U.S. Census information to determine the number of Households):~~

- ~~1. The number of Households in each Census Tract in its Video Service Area.~~
- ~~2. The number of Households in each Census Tract that are offered Video Service by the Company Applicant.~~

~~iii. Low Income (Utilize the most recent publicly available January 1, 2007 U.S. Census information to determine the number of Low Income Households):~~

- ~~1. The number of Low Income Households in each Census Tract in its Video Service Area.~~
- ~~2. The number of Low Income Households that are offered Video Service by the Company Applicant.~~

~~156. If the Applicant or any of its affiliates or wholly-owned subsidiaries is a Telephone Corporation, the~~

~~Applicant shall provide a description of the socioeconomic status information of all residents within its Telephone Service Area.~~

~~6~~

~~R.06-10-005 COM/CRC/jva~~

APPENDIX A

~~o The Applicant shall provide this description utilizing the template available at <http://www.cpuc.ca.gov/video/application>.~~

~~7~~

~~R.06-10-005 COM/CRC/jva~~

APPENDIX A

~~Information requirements:~~

~~a. Unless directed otherwise below, Applicant shall submit socioeconomic status information as of January 1 of the year in which the Applicant or State Video Franchise Holder applies for a State Video Franchise or an amendment to a State Video Franchise.~~

~~b. This socioeconomic status information shall include at a minimum the following information, as designated by individual Census Tract included in the Telephone Service Area:~~

~~i. Broadband (Utilize the most recent publicly available U.S. Census information to determine the number of Households):~~

- ~~1. The number of Households in each Census Tract to which the Company makes Broadband available.~~

APPENDIX A

APPLICANT NAME:

CERTIFICATE #:

~~2. The number of Households in each Census Tract that subscribe to Broadband that the Company makes available.~~

~~3. Whether the Broadband Services provided by the Company to individual Households in each Census Tract utilize wireline-based facilities or another technology. If another technology is used, Applicant shall specify the technology.~~

~~ii. Video service (Utilize the most recent publicly available U.S. Census information to determine the number of Households):~~

~~1. The number of Households in each Census Tract in the Telephone Service Area.~~

~~2. The number of Households in each Census Tract that are offered Video Service by the Company Applicant.~~

~~iii. Low Income (Utilize the most recent publicly available January 1, 2007 U.S. Census information to determine the number of Low Income Households):~~

~~1. The number of Low Income Households in each Census Tract in the Telephone Service Area.~~

~~2. The number of Low Income Households that are offered Video Service by the Company Applicant.~~

~~176. Utilizing the template provided at <http://www.cpuc.ca.gov/video/application>, the Applicant shall input the expected date for the deployment of Video Service for each Census Block in the Video Service Area.~~

~~8~~

~~R-06-10-005-COM/CRC/jva~~

APPENDIX A

Financial, Legal, and Technical Qualifications

~~187. Attach to this Application, as Appendix B, a description of the Applicant's financial, legal, and technical qualifications necessary to construct and operate the proposed system and promptly repair any damage to the public rights-of-way caused by the Applicant.~~

~~198. Attach to this Application, as Appendix C, either:~~

~~a. A bond in the amount of \$100,000; or~~

~~b. A copy of Applicant's most current audited financial statement, with an unqualified~~

~~opinion, for a twelve-month reporting period ending no earlier than the prior calendar~~

~~year. The financial statement must demonstrate that Applicant possesses a minimum~~

~~of \$100,000 of unencumbered cash that is reasonably liquid and readily available to~~

~~meet expenses.~~

Local Entity Contact Information

APPENDIX A

APPLICANT NAME: _____

CERTIFICATE #: _____

~~2019.~~ Utilizing the template provided at <http://www.cpuc.ca.gov/video/application>, the Applicant shall provide the contact name and information for a representative from each Local Entity within the Video Service Area.

Application Fee

~~240.~~ For an initial Application, Attach to this Application a check in the amount of \$2,000 made payable to the
_“California Public Utilities Commission.”

APPENDIX A

APPLICANT NAME:

CERTIFICATE #:

Affidavit

22. Complete and submit the affidavit attached to this Application.

A COMPLETE APPLICATION MUST INCLUDE:

Completed Application form Appendix B

**CD(s) containing template(s) and
data from the Commission website**

Appendix ~~C~~A

Appendix B

Appendix C

Check in the amount of \$2,000

~~Appendix A~~ Completed Affidavit

9

~~R-06-10-005-COM/CRC/jva~~

~~APPENDIX A~~

APPENDIX A

APPLICANT NAME: _____

CERTIFICATE #: _____

AFFIDAVIT

STATE OF _____

COUNTY OF _____

My name is _____. I am _____ (Title) of

_____ (~~Company~~Applicant). My personal knowledge of the facts stated herein

has been derived from my employment with _____ (~~Company~~Applicant).

I swear or affirm that I have personal knowledge of the facts stated in this Application for a

California State Video Franchise to provide Video Service, that I am competent to testify to

them, and that I have the authority to make this Application on behalf of and to bind the ~~Company~~Applicant. I further swear or affirm that _____ [Name of Applicant]:

1. Has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering Video Service in this state.

2. Agrees to comply with all lawful city, county, or city and county regulations regarding the time, place, and manner of using the public rights-of-way, including but not limited to, payment of applicable encroachment, permit, and inspection fees.

3. Will concurrently deliver a copy of this Application to any Local Entity where the Applicant will provide service.

4. Possesses the financial, legal, and technical qualifications necessary to construct and operate the proposed system and promptly repair any damage to the public rights-of-way caused by the Applicant.

5. Is not in violation of any final nonappealable order relating to either the Cable Television and Video Providers Customer Service and Information Act (California Public Utilities Code Article 3.5 (commencing with § 53054) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code) or the Video Customer Service Act (California Public Utilities Code Article 4.5 (commencing with § 53088) of Chapter 1 or Part 1 of Division 2 of Title 5 of the Government Code).

I further swear or affirm that _____ [Name of ~~Company~~Applicant] agrees to

comply with all federal and state statutes, rules, and regulations, including, but not limited to, the following:

1. As provided in Public Utilities Code § 5890, Applicant will not discriminate in the provision of Video Service.

APPENDIX A

APPLICANT NAME: _____

CERTIFICATE #: _____

2. Applicant will abide by all applicable consumer protection laws and rules as provided in

Public Utilities Code § 5900.

3. Applicant will remit the fee required by subdivision California Public Utilities Code § 5860(a) to the Local Entity.

4. The Applicant will provide public, educational, and governmental access channels and the required funding as required by Public Utilities Code § 5870.

10

~~R.06-10-005 COM/CRC/jva~~

APPENDIX A

I swear or affirm that all of the statements and representations made in this Application are true

and correct.

Signature and title

Typed or printed name and title

SUBSCRIBED AND SWORN to before me on the _____ day of _____, 20_____.

Notary Public In and For the State of _____.

My Commission expires: _____

11

~~R.06-10-005 COM/CRC/jva~~

APPENDIX B

STATE OF CALIFORNIA

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue San Francisco, CA 94102

www.cpuc.ca.gov

CALIFORNIA VIDEO FRANCHISE CERTIFICATE

1) Franchise Holder:

Name: _____

Address: _____

2) Application Date: _____

3) Effective Date: _____

4) Expiration Date: _____

5) Affected Local Entities: _____

(attach additional sheets if necessary)

Issued at San Francisco this _____ Day of _____, 20_____.

Signed

1 The franchise granted herein may include all or part of the Affected Local Entities' territory. For more information on the service area covered by this franchise, contact the Public Utilities Commission.

(END OF ATTACHMENT B)

CERTIFICATE OF SERVICE

I, Thomas J. Selhorst, hereby certify the following:

I am a citizen of the United States, State of California, am over eighteen years of age, and am not a party to the within cause.

My business address is 525 Market Street, San Francisco,
California 94105.

On October 25, 2006, I sent copies of the foregoing **OPENING
COMMENTS OF AT&T CALIFORNIA (U 1001 C)** to all persons listed on the Initial Service List in R.06-10-005 by e-mail, hand-delivery and/or by placing true copies in envelopes addressed to the persons on the Service List, which envelopes, with postage thereon fully prepaid, I then sealed and deposited in a mailbox regularly maintained by the United States Government in the City and County of San Francisco, State of California..

Executed this 25th day of October 2006 in San Francisco, California.

AT&T CALIFORNIA
525 Market Street, 20th Floor
San Francisco, CA 94105

/s/
Thomas J. Selhorst

CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

Proceeding: R0610005 - CPUC - CABLE TELEVIS

Filer: CPUC - CABLE TELEVISION

List Name: INITIALLIST

Last changed: October 24, 2006

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[Top of Page](#)

[Back to INDEX OF SERVICE LISTS](#)